

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AVMARKETS INCORPORATED,

Plaintiff,

v.

LINKEDIN CORPORATION,

Defendant.

Civil Action No.:

**DEMAND FOR JURY TRIAL**

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff AvMarkets Incorporated complains of Defendant LinkedIn Corporation as follows:

**NATURE OF LAWSUIT**

1. This is a claim for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code.

**THE PARTIES**

2. AvMarkets Incorporated (“AvMarkets”) is a Pennsylvania corporation that has a principal place of business at 1004 Fifth Avenue, Suite 9, Coraopolis, Pennsylvania, 15108. AvMarkets also does business under the registered fictitious business name AvMarkets, Inc.

3. AvMarkets is a privately held technology and aviation services company. Its core product is its online marketplace – [www.AvMarkets.com](http://www.AvMarkets.com) – which offers a variety of services to help Aviation & Aerospace companies buy and sell their products and services in a unique, easy-to-use software platform. AvMarkets’ development efforts have resulted in patented technology in the field of generating sales leads via the Internet and the World Wide Web.

4. AvMarkets owns and has standing to sue for infringement of United States Patent No. 7,856,430 B1, entitled “Method for Generating Increased Numbers of Leads Via the

Internet,” which issued on December 21, 2010 (the “‘430 patent”), a true and correct copy of which is attached as Exhibit A.

5. Defendant LinkedIn Corporation (“LinkedIn”) is a Delaware corporation with principal executive offices at 2029 Stierlin Court, Mountain View, California, 94043. LinkedIn also has offices in Chicago, New York, Omaha, San Francisco, San Mateo and Santa Monica. LinkedIn’s registered agent in Delaware is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware, 19808.

### **JURISDICTION AND VENUE**

6. This Court has original jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

7. LinkedIn owns, operates and/or and conducts business through the website [www.linkedin.com](http://www.linkedin.com) in this judicial district and throughout the United States. LinkedIn is incorporated in Delaware and is doing business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district, has established sufficient minimum contacts with the State of Delaware such that it should reasonably and fairly anticipate being brought into court in Delaware, and has purposefully reached out to residents of Delaware. This Court has personal jurisdiction over LinkedIn.

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b).

### **CLAIM FOR PATENT INFRINGEMENT**

9. LinkedIn owns the website [www.linkedin.com](http://www.linkedin.com).

10. LinkedIn operates the website [www.linkedin.com](http://www.linkedin.com).

11. LinkedIn provides its [www.linkedin.com](http://www.linkedin.com) website to the public via the Internet.

12. LinkedIn provides its [www.linkedin.com](http://www.linkedin.com) website via one or more servers.

13. The one or more servers providing LinkedIn's [www.linkedin.com](http://www.linkedin.com) website house and run software designed to provide the [www.linkedin.com](http://www.linkedin.com) website.

14. LinkedIn's [www.linkedin.com](http://www.linkedin.com) website includes a product called "LinkedIn Groups."

15. LinkedIn's [www.linkedin.com](http://www.linkedin.com) website includes a LinkedIn Group called "Buyers and Sellers of Aircraft Spare Parts from all over the World."

16. LinkedIn provides LinkedIn Groups for companies to "build long-lasting relationships with customers." See <http://www.linkedin.com/company/linkedin/linkedin-groups-533541/product>.

17. Through its LinkedIn Groups product, LinkedIn provides members and companies with an online forum to list parts to increase members' sales.

18. LinkedIn generates sales leads for parts for members and companies through its [www.linkedin.com](http://www.linkedin.com) website.

19. LinkedIn solicits new LinkedIn members through its [www.linkedin.com](http://www.linkedin.com) website.

20. LinkedIn solicits new LinkedIn members through its Groups pages.

21. LinkedIn enables members to access its [www.linkedin.com](http://www.linkedin.com) website with usernames and passwords.

22. LinkedIn receives and/or has received part numbers from its members through Groups pages on [www.linkedin.com](http://www.linkedin.com).

23. LinkedIn lists and/or has listed part numbers as a hyperlink on a web page on [www.linkedin.com](http://www.linkedin.com).

24. LinkedIn provides and/or has provided a web page that incorporates a part number into its title on [www.linkedin.com](http://www.linkedin.com).

25. LinkedIn provides and/or has provided a web page that incorporates a part number into its uniform resource locator (URL) on [www.linkedin.com](http://www.linkedin.com).

26. LinkedIn provides and/or has provided a web page that incorporates a part number into meta-tags on [www.linkedin.com](http://www.linkedin.com).

27. LinkedIn provides and/or has provided a web page that incorporates a part number into its text on [www.linkedin.com](http://www.linkedin.com).

28. LinkedIn Groups pages are available to the public on the Internet.

29. LinkedIn Groups pages can be crawled by search engine spiders.

30. LinkedIn generates revenue through its members.

31. LinkedIn generates revenue through its Hiring Solutions, Marketing Solutions and Premium Subscriptions.

32. LinkedIn uses Google Analytics on its Groups pages.

33. LinkedIn provides LinkedIn Ads on its Groups pages.

34. LinkedIn provides Ads by LinkedIn Members on its Groups pages.

35. LinkedIn generates revenue and profits through its [www.linkedin.com](http://www.linkedin.com) website.

36. LinkedIn generates revenue and profits through its Groups pages.

37. LinkedIn has infringed and continues to infringe at least claim 1 of the '430 patent within the meaning of 35 U.S.C. § 271(a) through the foregoing activities including, without limitation, making, using, operating and conducting business through the website [www.linkedin.com](http://www.linkedin.com), including generating sales leads for sellers of parts through its [www.linkedin.com](http://www.linkedin.com) website.

38. To the extent required by law, AvMarkets has complied with the provisions of 35 U.S.C. § 287.

39. LinkedIn's direct infringement by manufacturing, using, operating and/or conducting business through its [www.linkedin.com](http://www.linkedin.com) website has injured AvMarkets and AvMarkets is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

40. AvMarkets' injury will continue unless and until this Court enters an injunction against further infringement by LinkedIn.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff AvMarkets Incorporated respectfully asks this Court to enter judgment against Defendant LinkedIn Corporation and against each of its respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of AvMarkets and against LinkedIn;
- B. An award of damages against LinkedIn adequate to compensate AvMarkets for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;
- C. A permanent injunction prohibiting further infringement of the '430 patent as provided by 35 U.S.C. § 283; and
- D. A finding that this case is exceptional and an award to AvMarkets of its reasonable attorneys' fees and costs as provided by 35 U.S.C. § 285; and
- E. Such other relief that AvMarkets is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

**JURY DEMAND**

AvMarkets demands a trial by jury on all issues presented in this Complaint.

Dated: February 13, 2013

Respectfully submitted,

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